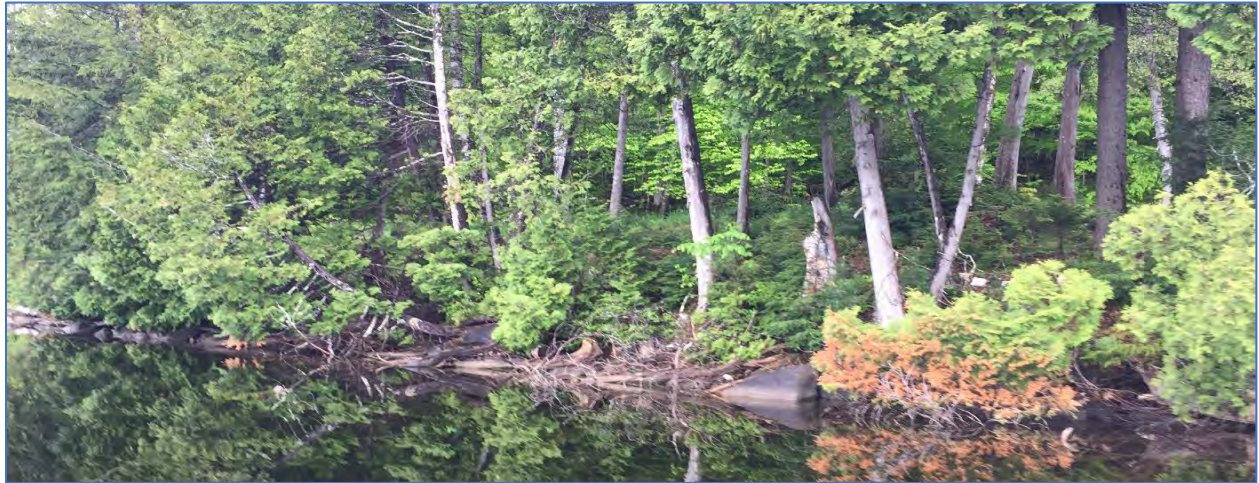
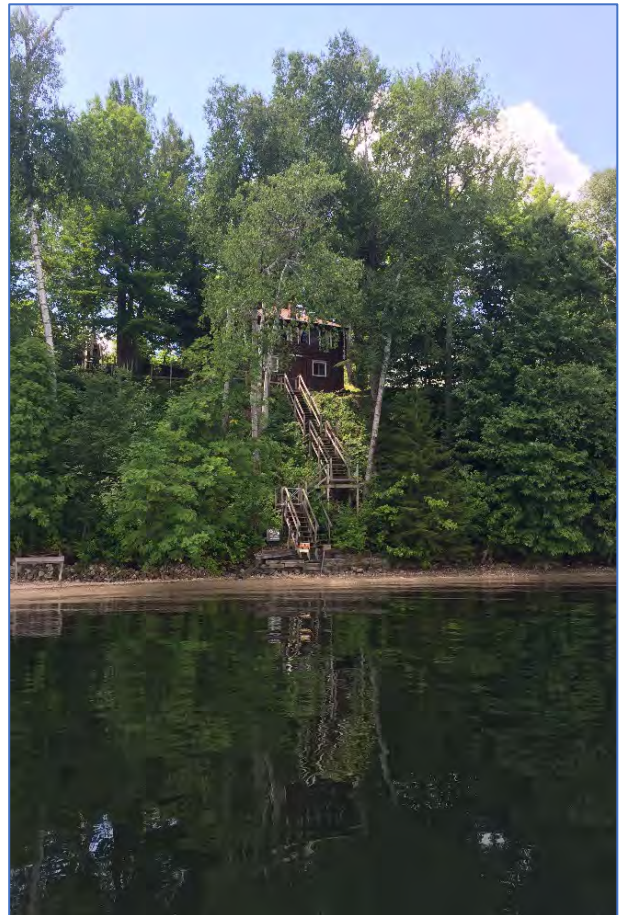


# The Vermont Shoreland Protection Act

## Dead, Diseased, or Unsafe Trees



The [Vegetation Protection Standards](#), established by the Shoreland Protection Act, guide the management of vegetation within 250 feet from mean water level of a lake that is greater than 10 acres in surface area. Typically, removal of vegetation is considered the creation of cleared area and requires a Shoreland Permit or Registration. However, no Shoreland Permit or Registration is required for the removal of a dead, diseased, or unsafe tree (10 V.S.A. § 1447(b)(2)(G)). This exemption **only applies to a tree identified as dead, diseased, or unsafe**. This exemption does not apply to surrounding vegetation under three feet in height, such as shrubs and groundcover, or the duff layer. This is not an exemption to create cleared area in the Protected Shoreland Area, and all other federal, state, and local laws and permitting requirements still apply. Removal of a dead, diseased, or unsafe tree that does not occur in accordance with this guidance may be considered the creation of cleared area and cause for an enforcement action.





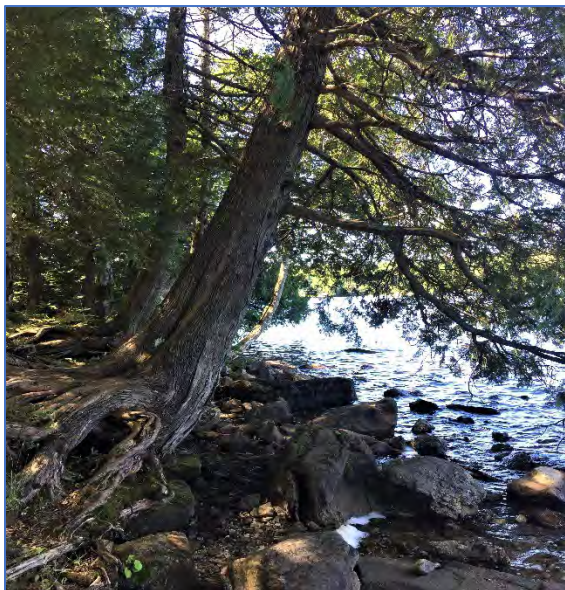
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## The benefits of a dead tree

It is highly encouraged that a tree posing no hazard to a target be left in place and allowed to come down naturally. [Dead trees provide unique habitat](#) — birds and small mammals use dead trees for nesting, foraging, and sheltering their young. Birds and bats rely heavily on the insects found in dead trees as a food source. Dead trees help retain soil moisture during dry periods and allowing dead trees to decompose naturally improves the soil through the addition of organic matter and nitrogen-fixing bacteria.

## Leaning trees

Healthy trees along the shoreline may naturally lean over the bank towards the water. Leaning does not necessarily mean the tree is a cause for concern and should be removed. Trees close to each other may lean away from neighboring objects, or curve to better reach sunlight. Trees leaning over a lake provide shade and cool the surrounding water temperature, both of which help slow the growth of algae and aquatic plants. Insects that fall from leaning lakeshore trees provide a vital food source to fish.



## A second life for trees: fallen trees in the water

Trees that have naturally fallen into public waters must remain in the water, as they have become a part of that public resource. Sunken logs and half-submerged dead trees are very normal components of a healthy, complex lake system. After decades or centuries of providing perches, shade, hollows, and nesting cavities, a fallen tree now begins its role as habitat for fish, algae, macroinvertebrates, turtles, and other lake-dwellers. It may be possible to move a fallen tree that has blocked boating or swimming access, but only after first contacting your regional [Lake & Shoreland Permit Analyst](#).

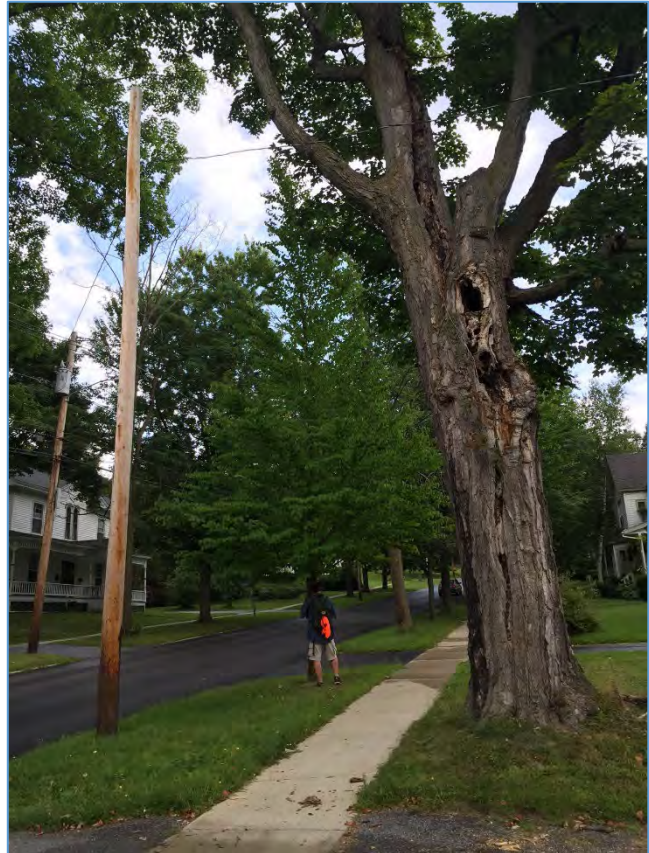


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## Think you may have a dead or unsafe tree?

Generally, a tree may be considered to be unsafe when it has a defect that is likely to cause a part of or the whole tree to fail and the part of the tree impacted by the defect is within striking distance of a target (e.g., a home/structure, power line, etc.). A tree is considered dead only when the entire tree is dead, not partially so. See the following page regarding diseased trees. *Prior to removing a dead or unsafe tree*, review the following considerations:

- **Contact your regional Lake and Shoreland Permit Analyst prior to tree removal.** You may be required to consult a forestry professional regarding tree status and provide documentation of a tree assessment. It is recommended photos of the tree in question and the surrounding landscape be taken prior to tree removal should any questions regarding the nature of the tree arise later. Consider submitting a [Shoreland Jurisdictional Determination Form](#) to clarify whether your project would or would not require a Shoreland Permit or Registration. If the tree slated for removal is in a [wetland or a wetland's 50 foot buffer zone](#), contact your regional [Wetland Ecologist](#) to ensure removal of that tree is allowed under the Wetland Rules.
- **Consider less intrusive alternatives and whether it is necessary to remove the entire tree.** Tree removal should be a last resort. If an unsafe tree is healthy except for a dead limb, consider only removing the limb in question.
- **Leave naturally fallen trees.** It is anticipated that climate change will increase the frequency and intensity of winds and storms. If a tree or its limbs fall within a naturally forested area (i.e., vegetative cover), that organic debris is then considered part of the protected duff layer and **must remain where it falls**. This is a natural process that is important to forest health and wildlife habitat. If a tree or its limbs fall within a cleared area (e.g., lawn, landscaped garden, driveways), that debris may be removed.
- **Leave the roots and surrounding natural groundcover.** The below-ground root system provides stability to the shoreland area and prevents soil erosion. Removal of the root structure or surrounding natural groundcover **is not a part of this exemption** and requires a Shoreland Protection Permit or Registration.



This tree has significant decay within its trunk as well as being immediately adjacent to a power line. As such, it could be considered unsafe.



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## Maintaining forest health – diseased trees

The Vermont Department of Forests, Parks and Recreation (FPR) has a set of [forest health programs](#) that monitor for insects, diseases, tree condition, and other ecosystem features. A tree that jeopardizes forest health may be considered diseased under the dead, diseased, or unsafe exemption. Landowners can utilize the resources in the link above to help determine whether a tree is diseased or not. *Prior to removing a diseased tree*, it is recommended you proceed in order with the following steps:

- Consider whether the target diseased tree(s) can be removed utilizing the point and grid system as outlined under the [Vegetation Protection Standards](#) or the considerations used for removing a dead or unsafe tree. If the diseased tree(s) can be removed either of those ways, no additional steps are required. If not, proceed with the following steps.
- Contact an [International Society of Arboriculture Certified Arborist](#), a [Tree Risk Assessment Qualified Arborist](#), or a [licensed forester](#). This individual should document the condition of the diseased tree(s) in question and map their location(s).
- Develop a revegetation plan when appropriate. Revegetating will ensure continued long-term stability and erosion control of your shoreland as well as provide valuable wildlife habitat. Review the Lake Wise Program's guidance on [Planting and Maintaining Vegetated Areas](#), for planning your shoreland revegetation efforts.
- Submit a [Shoreland Jurisdictional Determination Form](#) with the map of the target diseased tree(s), a project description for diseased tree removal, revegetation plans (when appropriate), and any other relevant information related to the project such as background information on the forest pest in relation to the diseased tree(s).
- If a diseased tree targeted for removal is in a [wetland or the wetland's 50 foot buffer zone](#), contact your regional [Wetland Ecologist](#) to ensure removal of that tree is allowed under the Wetland Rules.

## Managing ash trees in the presence of Emerald Ash Borer

Emerald ash borer (pictured right) has been confirmed in Vermont. An ash tree [within an area infested with Emerald Ash Borer](#) may be considered for removal under the dead, disease, or unsafe tree removal exemption using the criteria on this page for removing a diseased tree.



## Contact us

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